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May 10, 2011

BY ECF & HAND

Hon. Nicholas G. Garaufis
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Vincent Basciano
05 Cr. 60 (S-9) (NGG)

Dear Judge Garaufis:

We respectfully submit the Court instruct the jury that they must unanimous regarding who the principal was in Count One and Count Two.

Unanimity Charge as to Count One and Two

You must unanimously agree that the conspirators agreed that the murder of Randolph Pizzolo, was to be committed for the purpose of maintaining or enhancing the defendant, VINCENT BASCIANO's position in the enterprise, and not someone else.

Respectfully submitted,

_____/s/_____
George Goltzer
Richard Jasper
Ying Stafford

Attorneys for Vincent Basciano